dishonesty, fraudulent means or conspiracy or similar underable laities. If documents are obtained by force and parted with unwillingly exactly similar considerations should arise. Further if the approach is made by the Presiding Officer going alone the right of aiding the rule of law the conclusion that has been arrived at by the Chairman of the Rajya Sabha is correct. Hence the difference between the two views is really not large though the result may be different but the principle is same.

I have got further details and analysis of the rulings given by the two Houses. I do not think that I should take the time of the House by entering into the detailed facts. Such of the Members who are desirous may peruse that note which covers 21 pages of typed matter.

So far as the suggestion made or the answer given by Hon'ble Sri K. Lakkappa that he got the copy from one particular gentleman whose name he gave and which gentlemen there after denied, I said that I will look into that matter. Further some of the members represented to me that if I am to analyse all the matters, it will be placing the members in an embarassing situation as it will not enable them to have their full say. I think there is some considerable force. I propose to drop any action that I might have mentioned in this behalf with regard to the particular member who mentioned the name of the person who was supposed to have delivered it to him. Therefore that matter is now closed. We now pass on to the next.

SEVENTH REPORT OF THE COMMITTEE ON ESTIMATES

Presentation.

Sri G. A. THIMMAPPA GOWDA (Chairman, Estimates Committee).— Sir, I beg to present the seventh report of the Committee on Estimates on Agriculture, Horticulture, Co-operation, Animal Husbandry and Fisheries Departments.

SPECIAL MOTION

re: CONDUCT OF SOME MEMBERS DURING THE GOVERNOR'S ADDRESS.

Mr. SPEAKER.—Before this motion is moved by Sri Ganji Veerappa, I should like to say a few words. The members will kindly remember that there is another motion, notice of which has been given by the Hon'ble Minister for Home. I had kept it in abeyance. I had explained the view point, the idea in my mind, what is appropriate and proper with regard to decorum and the rules to be observed at the time when the Head of the State is present in a Joint Session or any other Session. After that, I had occasion to discuss the matter with the Hon'ble Leader of the House and the Hon'ble Leader of the Opposition and a few other Hon'ble Members also. If we are to accept the resolution it is one way or the Motion made by the Hon'ble Minister for Home, will have to go to a Committee.

Sri G. V. GOWDA (Palya).—If this is dropped that will also be dropped. How can it be dropped Sir ? According to rule ..

Mr. SPEAKER,—That is why I give chance to that member to move. When this is agreed upon all other things will be dropped. Which rule is Sri Gowda having in mind ?

Sri G. V. GOWDA.—Rule 148(5)—any motion moved shall not raise a question of privilege. Sanction of the House is necessary. That is why I am placing it. If there is an error, point out to me Sir. ..... The question of privilege has already been raised pending reconsideration whether this could be admitted.

Mr. SPEAKER.—The Hon'ble member has said that he is relying on Rule 148 (5).

Sri G. V. GOWDA.—There are other matters. Probably my friend wants to move his motion under Rule 146.

Mr. SPEAKER.—I have not permitted him as yet. I do not understand which aspect prohibits from its being moved under Rule 146.

Sri G. V. GOWDA.—146 says no discussion of a matter of general public interest. I wish to know the motion that he moved now, and wants to regulate the conduct of a particular member at a particular time. By this motion he wants to regulate.

Mr. SPEAKER.—He places the proposition before the House. He is not doing anything. He is moving it. If it is voted down it goes back. It cannot be moved at all under 146.

The Rule says " Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker".

Sri G. V. GOWDA.—Unless it is a matter of general interest it cannot be moved. My submission is that it is not a matter of public interest.

Mr. SPEAKER.-I am unable to follow the member Kindly read it. If it is of general public interest, it should not be made except with the concent of the Speaker. So, when Speaker's consent is given, all things can be done. There is nothing wrong. The House should not be taken by me or anybody on a wrong path. Whatever might be the provision here, we have to look to other things. No discussion of general public interest shall take place except on a motion made with the consent of the Speaker. Even then if it is a discussion relating to a matter of general public interest, it may be permitted. So, far from being restrictive, if it could not be allowed under other provisions, it could still be allowed under this.

Sri G. V. GOWDA.—We have to see the subject matter of the motion. It seeks to regulate the conduct of members as to how they conduct themselves when the Governor comes here to address under Article 176 of the Constitution. Now it wants the members to conduct themselves in a particular way. That should, in my opinion, be incorporated in the Rules of Procedure and Conduct of Business of this House if there is none at present.

Mr. SPEAKER.—Is there none ?

Sri G. V. GOWDA.—There is none.

Mr. SPEAKER.—The Hon'ble Member agrees that it should be provided for in the Rules of Procedure. That itself and not by way of motion or resolution. Members must kindly remember that the opinion of the House and decision of the House is as important as any rule. When there is specific procedure prescribed by this House to conduct its business, if there is any motion under that, it is open, for a member to incorporate the provision in the rule itself. This is not the only way because, we have adopted certain rules and passed certain standing orders or orders applicable for a particular Session. But rules are only rules framed by this House. Any rule can be changed by the House. Now there is a lacuna.

Sri G. V. GOWDA.—That lacuna can be filled up by incorporating omissions.

Mr. SPEAKER.—I do not think that there is anything wrong in moving this resolution. A resolution of the House is binding upon the members only. It is revised by the same House. In respect of other matters which are covered by this Resolution, why should we think one resolution to govern this matter. Suppose the matter is referred to a committee, it comes back with a report. The report is adopted by the House. What is the position ? The House does not omit it in the rules. I am only pointing out the policy that is approached. Now the Hon'ble Home Minister is there. Now the House resolves to recognise certain things when the report is placed before the House and the House adopts it. It is not effective ?

Sri G. V. GOWDA.—Whether this resolution or motion, if it is adopted, it would form part of the Rule.

Mr. SPEAKER.—Therefore, the House is prevented from discussing it, is it the suggestion of the member ?

Sri G. V. GOWDA.—In the form of a motion, it cannot be discussed, because we have adopted a procedure as to how we should be governed and how we should conduct ourselves in this House. There are some specific provisions.

Mr. SPEAKER.—Which are the specific provisions ? We have adopted these rules. The Member says that it is silent and there is a lacuna. So it does not exist there. So it has got to be added. Suppose the Report of the Committee is adopted by the House. What is the effect ? Would the Hon'ble Member kindly tell me ? Now the Committee is appointed. It goes into the matter and recommends certain things to be done. What happens if the report goes before the House ?

Sri G. V. GOWDA.—It has to be adopted. It does not form part of the Rules.

Mr. SPEAKER.—Is it not binding ?

Sri G. V. GOWDA.—It is binding. When we see lacuna in the Rules of Procedure that govern the conduct of this House then it has got to be incorporated by procedure not in the form of resolution. He has to bring amendments to the Rules of Procedure and have it discussed and if the House approves it can be adopted.

Mr. SPEAKER.—There is a motion by the Hon'ble Home Minister. If the House chooses to accept that and constitutes a Committee, the Committee investigates into the matter and gives a report. I suppose that the Hon'ble Member has read the report given to him with regard to the incident that has happened in the Lok Sabha.

That Report has been admitted. What is the position in the Lok Sabha ? As a Lawyer the Hon'ble member ought to know it.

1.00 P. M.

Sri G. V. GOWDA.—It is binding, but it cannot form part of the Rule.

Mr. SPEAKER.—He is having a slightly wrong concept of the Rule. Taking it that what he says is correct, what is his objection to the Resolution being admitted ?

Sri G. V. GOWDA.—Rule 148 (1) says:

" it shall raise substantially one definite issue ".

If you could read the Motion that is given, two issues are involved: one is that this House expresses its displeasure at the action of certain Members in making a statement and then leaving the chamber when the Governor rose to address the Legislative Assembly and the Legislative Council, and the second issue is that in future such course of action should be condemned. It affects item (1) of Rule 148. That is my objection, because it is not in the form of a Motion which offends item (1) of Rule 148.

Mr. SPEAKER.—On that particular point that this Motion offends Rule 148 (i), *viz.*, that it does not deal with one issue .....

Sri G. V. GOWDA.—I am of the definite opinion that it involves two issues.

Mr. SPEAKER.—This opinion has to be considered by me and my opinion is to be given. With regard to the contention that Rule 148 (i) is a bar to the entertainment of this Motion, I an unable to agree. There are two separate issues expressed. Expressing displeasure is not an issue. Further, the subsequent part of the Resolution is one relating to flowing out of the incident, the entire incident and its repercussions constitute one issue and to isolate the concept of issue, with regard to the single fact, it is entirely wrong.

Sri G. V. GOWDA.—Rule 148 (ii) says that it shall not contain arguments.

Mr. SPEAKER.—If the Hon'ble Member had so many objects in view, he could have very well come and told me earlier.

Sri G. V. GOWDA.—Rule 148 (ii) says:

" it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements."

Mr. SPEAKER.—Is the Hon. Member upholding that conduct ?

Sri G. V. GOWDA.—I am not upholding. I rely only on imputations.

Mr. SPEAKER.—What is the concept of imputation ? If wrong conduct is there, that is imputation. Where everything is morally all right. The Hon'ble Member imputes motives. If the facts contain reality, it is worthy of criticism.

Sri G. V. GOWDA.—The Hon'ble Speaker has not given a decision.

Mr. SPEAKER.—That is for the House to decide.

Sri G. V. GOWDA.—In fact a Point of Order was raised against the conduct and it is pending. We thought that the Hon'ble Speaker would give a decision.

Mr SPEAKER.—Why should the things be mixed-up ? He is showing under Rule 148 (ii), the imputation is a bar. He thinks that it is an imputation ; others think it is not an imputation. It is for the House to decide.

Sri G. V. GOWDA.—In furtherance of that imputation, the Motion says : " if in future any Member of the Assembly interrupts or obstructs the Governor's Address to the Legislative Assembly or the Legislative Assembly and Council assembled together...will be considered as a grossly disorderly conduct..." It gives an indication that the earlier part is nothing but an imputation.

Mr. SPEAKER.—Difference between imputation and criticism should be kept apart. He thinks that it is perfectly all right; he thinks it is an imputation. The House will decide whether it is an imputation or not.

Sri G. V. GOWDA.—The earlier part of the Motion says that the action of certain Members in making a statement and then leaving the chamber...That shows that the action of those Members has got to be condemned.

Mr. SPEAKER.—If it deserves to be condemned, it has to be condemned. But, how does it become an imputation?

Sri G. V. GOWDA.—The Hon'ble Speaker has to exercise his powers under the Rules and give a Ruling to say that the action...

Mr. SPEAKER.—It is not exercising my right. If the Hon'ble Member feels something which is not there, what am I to do? It is not my Ruling. The House will decide whether it is an imputation or not. I have to admit the motion.

Sri G. V. GOWDA.—It shall not refer to the conduct. The action adopted by the...

Mr. SPEAKER.—Is the Member getting into the merits?

Sri G. V. GOWDA.—No, Sir. The motion itself is inadmissible.

Mr. SPEAKER—Let us be more precise. Which clause is the Hon'ble Member having in his mind?

Sri G. V. GOWDA.—I said two issues are involved.

Mr. SPEAKER.—That is over and let it not be raised again.

Sri G. V. GOWDA.—Rule 148 (iii) says:

"it shall not refer to the conduct or character of persons except in their public capacity."

Mr. SPEAKER.—Is the Hon'ble Member contending that? Does he want the House to believe and me to accept that the Members functioning there did not function in their capacity as Members but as private individuals?

Sri G. V. GOWDA.—The point for consideration is, whether the Assembly was duly constituted?

Mr. SPEAKER.—Is he having official capacity in mind and whether it is the capacity of the Members or the Head of the State who addresses in a private capacity?

Sri G. V. GOWDA.—But, whether it was done when the Assembly was duly constituted?

Mr. SPEAKER.—He has in his mind whether there was a duly constituted body but, all those who were present feel that they were Members of the Assembly and Governor addressed in his capacity as the Head of the State. Where does the private capacity come in it?

Sri G. V. GOWDA.—Private capacity does not come in. But when the Assembly is not duly constituted, whether it could be claimed is my point.

Mr. SPEAKER.—The Hon'ble Member is slightly diverging. Is it a suggestion that any body can do in his private capacity and therefore this clause hits?

Sri G. V. GOWDA.—I do not suggest that. I am of opinion that the Assembly had not been duly constituted. Unless the Speaker is there to preside over the august House, it cannot be said...

Mr. SPEAKER.—I suppose the Hon'ble Member was present when I read a note covering ten pages.

Sri G. V. GOWDA.—Yes, Sir, I have read it.

†The Rule says that a sitting of the Assembly is constituted when it is presided over by the Speaker.

Mr. SPEAKER.—We are in the midst of Budget Debate. If Members do not want to devote time over this, I am prepared to say that I will withhold decision. I am not going to allow any more debate on this. Let there be a Report and let there be any action that might be considered necessary. I was trying to save the situation. Something has happened without any *bona fides*. I thought that I might tide over the situation and save the situation. If members do not want it, what can I do.

Sri G. V. GOWDA.—It is only an enlightenment. I want the House to consider this point before adopting the motion.

Mr. SPEAKER.—I was cautious enough to say that. I have no right to shut out. I can rule and say I will admit and then all this will vanish. But I want to carry the House with me. It is not a question of giving a ruling and getting it through. If the Members are not anxious I think I do better hold it over for some other day.

Sri B. D. JATTI (Minister for Finance).—The Member himself is not serious.

Sri G. V. GOWDA.—I want to be enlightened, whether it is proper to bring this motion in this form or whether it could be adopted in any other appropriate manner.

Sri S. R. KANTHI (Minister for Education).—I would like to say a few words. The Hon'ble Member is arguing in a circle. Once he says that the Chair is free to give a ruling. Another time he says that this resolution cannot be brought in. He has raised certain points. I would request you to give a ruling and proceed with the work.

Mr. SPEAKER.—I wish to know whether the Hon'ble Member Sri G. V. Gowda was one of those who left the House.

Sri G. V. GOWDA.—Yes.

Mr. SPEAKER.—Now I understand. The best thing is to allow it to go to a Committee.

Sri C. J. MUCKANNAPPA (Sira).—You proposed to hold it over.

Mr. SPEAKER.—I did not want to let it go to a Committee and the Committee to give a report. Now I will give one week for the Committee to give its report. But my anxiety was only to avoid unkind remarks from anybody with regard to any other member and the report embodying details as to who are the members that left the House and what was the remark made and whether it was justified or not, whether they are *bona fide* or not-though it is absolutely *bona fide* still it has been held by many people to be high gross misconduct. I did not want all these reflections to be cast against members. It looks as if the participarts want to have an analysis whether it fits in or not.

Sri G. V. GOWDA.—I am prepared to withdraw all the statements I have made.

Mr. SPEAKER.—Absolutely not, why should the Member withdraw his remarks ? I will give my ruling on this tomorrow. Now, we will go to next item.

MYSORE APPROPRIATION (No. 3) BILL, 1965.

(Presentation)

Sri B. D. JATTI.—I beg to introduce the Mysore Appropriation (No. 3) Bill, 1965.

Mr. SPEAKER.—Mysore Appropriation (No. 3) Bill, 1965 is introduced.